

Sec. 14. INTERIM STUDY – LICENSING AND EXAMINING BOARDS. The legislative council is requested to establish an interim study committee to review and make recommendations for the reorganization of professional licensure and the professional examining boards under the purview of the Iowa department of public health. The study shall include but not be limited to an evaluation of and recommendation regarding the establishment of a health profession review commission to address scope of practice issues.

Sec. 15. Section 601K.80, Code 1991, is repealed.

Sec. 16. FEDERAL AND NONSTATE FUNDS. Federal grants, receipts, and funds and other nonstate grants, receipts, and funds, available in whole or in part for the fiscal year beginning July 1, 1992, and ending June 30, 1993, are appropriated to the receiving department for the purposes set forth in the grants, receipts, or conditions accompanying the receipt of the funds, unless otherwise provided by law.

Approved June 3, 1992

**CHAPTER 1238**

**APPROPRIATIONS – TRANSPORTATION AND SAFETY**

*S.F. 2345*

**AN ACT** relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, creating a litigation expense fund and making appropriations, providing for properly related matters, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

**IOWA LAW ENFORCEMENT ACADEMY**

Section 1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:  
..... \$ 839,317  
..... FTEs 24.20

For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:

..... \$ 10,000

**DEPARTMENT OF PUBLIC DEFENSE**

Sec. 2. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. MILITARY DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,298,201  
..... FTEs 208.59

**2. DISASTER SERVICES DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	265,960
.....	FTEs	10.00

**3. VETERANS AFFAIRS DIVISION**

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	143,619
.....	FTEs	4.16

**4. WAR ORPHANS**

For the war orphans educational aid fund established pursuant to chapter 35:

.....	\$	9,854
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**DEPARTMENT OF PUBLIC SAFETY**

Sec. 3. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the medical examiner's office and the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,190,629
.....	FTEs	43.00

a. The department shall continue to pursue its five-year plan to colocate the state medical examiner's office and the department of criminal investigation crime lab. The department of general services shall assist the department of public safety in identifying potential facilities that will adequately meet the department's needs.

b. Funds are provided in this subsection so that the department of public safety shall continue to collect, classify, and disseminate statistics as provided in section 80.40 and section 236.9 on violations relating to section 729.5 and on incidents involving domestic abuse.

c. The department shall conduct a study to determine the most appropriate handgun and holster to be used by peace officers in the divisions of capitol security and highway safety, uniformed force, and radio communications. The department shall report the results of the study to the chairpersons and ranking members of the transportation and safety appropriations subcommittee and the legislative fiscal bureau by January 1, 1993.

2. For the division of criminal investigation and bureau of identification including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	6,700,894
.....	FTEs	150.00

a. It is the intent of the general assembly that the division of criminal investigation shall employ no more than 15 new riverboat police officers.

*\*b. It is the intent of the general assembly that any new classification of riverboat law enforcement officers shall be included within the Iowa public employees' retirement system as members of a protection occupation under section 97B.49, subsection 16, paragraph "d".\**

3. For the division of narcotics enforcement:

a. The state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	2,059,713
.....	FTEs	42.00

\*Item veto; see message at end of the Act

b. Undercover purchases:

.....	\$	251,792
4. For the fire marshal's office, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:		
.....	\$	1,323,512
.....	FTEs	30.00
5. For the capitol security division, and for not more than the following full-time equivalent positions:		
.....	\$	1,025,564
.....	FTEs	29.00
6. For use by the department to provide law enforcement officials for project D.A.R.E. (drug abuse resistance education) within local communities:		
.....	\$	28,584

Sec. 4. There is appropriated from the road use tax fund to the division of highway safety, uniformed force, and radio communications of the department of public safety for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	28,445,736
.....	FTEs	529.50

a. It is the intent of the general assembly, that so much as is necessary of the appropriation in this subsection, shall support federal Highway Safety Act programs.

b. It is the intent of the general assembly that the department of public safety, department of personnel, and the department of management take every action necessary to fill the entire complement of positions authorized for the division of highway safety, uniformed force and radio communications, in this appropriation as soon after the effective date of this Act as possible.

c. The Iowa law enforcement academy may annually select at least five automobiles of the department of public safety, division of highway safety, uniformed force and radio communications, which are being turned in to the state vehicle dispatcher to be disposed of by public auction and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of highway safety, uniformed force and radio communications.

d. An employee of the department of public safety or its successor who retires after the effective date of this section of this Act but prior to June 30, 1993, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. This section shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

2. For the purchase of radar units:

.....	\$	150,000
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3. For payments to the department of personnel for expenses incurred in administering workers' compensation on behalf of the division of highway safety, uniformed force, and radio communications:

.....	\$	403,475
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4. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the division of highway safety, uniformed force and radio communications:

..... \$ 88,390

Sec. 5. There is appropriated from use tax receipts collected under chapter 423 prior to deposit in the road use tax fund, to the department of public safety for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

1. For the costs associated with the automated fingerprint information system local remote terminals:

..... \$ 247,471

2. For the continued purchase of the automated fingerprint information system (AFIS):  
..... \$ 509,378

3. For salaries, support, maintenance, and miscellaneous purposes of the pari-mutuel law enforcement agents, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of 18 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 277,662  
..... FTEs 5.00

STATE DEPARTMENT OF TRANSPORTATION

Sec. 6. There is appropriated from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of motor vehicle licenses, as defined in section 321.1, subsection 77:

..... \$ 570,000

2. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. (1) Administrative services:  
..... \$ 3,862,250  
..... FTEs 45.00

The legislative fiscal bureau with the assistance of the state department of transportation shall develop an effective legislative oversight report to be distributed to the transportation and safety joint appropriations subcommittee. This report shall include, but is not to be limited to, expenditure information for all appropriated funds relating to budget, accounting and payroll, and cash flow statements and cash balances for all funds, and all contract expenditures and obligations.

(2) For a handicapped accessibility study:  
..... \$ 8,400

b. General counsel:  
..... \$ 177,240  
..... FTEs 1.00

c. Planning and research:  
..... \$ 344,875  
..... FTEs 8.00

d. Aeronautics and public transit:  
..... \$ 246,120  
..... FTEs 5.00

e. (1) Motor vehicles:  
..... \$ 18,968,624  
..... FTEs 529.00

It is the intent of the general assembly that the motor vehicle division of the department shall conduct all salvage theft examinations and component part reviews required under section 321.52.

(2) For replacement of obsolete equipment:	\$	47,000
f. Rail and water:		
.....	\$	603,400
.....	FTEs	13.00
3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:	\$	35,000
4. Unemployment compensation:	\$	12,250
5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of employees of the state department of transportation:	\$	75,000
6. For payment to the general fund for indirect cost recoveries:	\$	120,000

Sec. 7. There is appropriated from the primary road fund to the state department of transportation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:		
a. (1) Administrative services:	\$	23,725,250
.....	FTEs	278.50
(2) For a handicapped accessibility study:	\$	51,600
b. General counsel:	\$	1,088,760
.....	FTEs	7.00

It is the intent of the general assembly that should a lawsuit result from the redesignation of interstate 80 or if the attorney general deems such a suit necessary, that moneys appropriated under paragraph "b" of this subsection may be used by the attorney general to protect the state's interests in the matter and that such action by the attorney general shall be in cooperation with the I-80 defense task force in Davenport. However, this paragraph does not limit other uses for moneys appropriated under paragraph "b" of this subsection.

c. Planning and research:	\$	6,552,625
.....	FTEs	151.00
d. Aeronautics and public transit:	\$	246,120
.....	FTEs	5.00

It is the intent of the general assembly that any state agency or individual using an airplane from the state aircraft pool shall be billed in an amount sufficient to cover operation and aircraft maintenance expense, including engine overhaul.

e. (1) Highways:	\$	140,128,500
.....	FTEs	2,861.00
(2) For software module:	\$	30,000
f. Motor vehicles:	\$	767,076
.....	FTEs	21.00

g. Rail and water:

..... \$ 258,600  
 ..... FTEs 6.00

2. For deposit in the state department of transportation's highway materials and equipment revolving fund established by section 307.47 for funding the increased replacement cost of vehicles:

..... \$ 3,079,000

The appropriation in this subsection is provided on the basis that no more than \$2,741,091 from the highway materials and equipment revolving fund, plus an allocation for salary adjustment, may be expended for salaries and benefits for not more than 91 FTEs.

3. For payments to the department of personnel for expenses incurred in administering the merit system on behalf of the state department of transportation, as required by chapter 19A:

..... \$ 665,000

4. Unemployment compensation:

..... \$ 232,750

5. For payments to the department of personnel for paying workers' compensation claims under chapter 85 on behalf of the employees of the state department of transportation:

..... \$ 1,425,000

6. For costs associated with fuel tank replacement and cleanup:

..... \$ 1,000,000

7. For payment to the general fund for indirect cost recoveries:

..... \$ 880,000

8. For replacement or modification of field facilities in Ames, Mt. Ayr, Soldier, and Le Mars:

..... \$ 2,525,000

The provisions of section 8.33 do not apply to the funds appropriated by subsection 8, which shall remain available for expenditure for the purposes designated until June 30, 1996. Unencumbered or unobligated funds remaining on June 30, 1996, from funds appropriated in this subsection, for the fiscal year beginning July 1, 1992, shall revert to the fund from which appropriated on August 30, 1996.

9. For the expansion of a field facility at Maquoketa:

..... \$ 375,000

The provisions of section 8.33 do not apply to the funds appropriated by this subsection, which shall remain available for expenditure for the purposes designated until June 30, 1994. Unencumbered or unobligated funds remaining on June 30, 1994, from funds appropriated in this subsection for the fiscal year beginning July 1, 1992, shall revert to the fund from which appropriated on September 30, 1994.

Sec. 8. The state department of transportation anticipates receipts totaling \$726,550,000 in the road use tax fund for the period beginning July 1, 1992, and ending June 30, 1993.

It is estimated that standing, formula-based, and direct appropriations made by the general assembly for this fiscal year will include the following:

1. Primary road fund, \$11,500,000.
2. Farm-to-market road fund, \$1,500,000.
3. Secondary road fund, \$7,600,000.
4. Revitalize Iowa's sound economy fund, \$26,300,000.
5. Function classification board expenses, \$5,000.
6. Park and institutional road fund, \$4,720,000.
7. Reimbursements to the state department of transportation for assistance to local jurisdictions, \$500,000.
8. Living roadway trust fund, \$250,000.
9. Highway grade crossing safety fund, \$700,000.
10. Highway railroad grade crossing surface repair fund, \$900,000.
11. Secondary bridge fund, \$2,000,000.
12. City bridge fund, \$500,000.

13. License plate, titling, and registration supplies, \$2,000,000.
  14. Traffic safety improvement projects, \$3,630,000.
  15. Personal delivery of driver license suspension notices, \$225,000.
  16. Appropriation to the department of inspections and appeals.
  17. Public transit assistance fund, \$6,230,000.
  18. Recreational trails development, \$1,000,000.
  19. Odometer fraud fund, \$200,000.
  20. Motorcycle education fund, \$90,000.
  21. Upgrade vehicle registration and titling equipment in county treasurers' offices, \$650,000.
  22. Appropriations to the state department of transportation for operations.
  23. Appropriation for the highway patrol.
  24. Appropriation to the department of management for support staff.
  25. Appropriation for the production cost of driver's license costs.
  26. Appropriation for the purchase of radar units for the highway patrol.
- Of the estimated remaining funds, 47.5 percent (\$285,950,000) shall be distributed to the primary road fund, 24.5 percent (\$147,490,000) shall be distributed to the secondary road fund, 8 percent (\$48,160,000) shall be distributed to the farm-to-market road fund, and 20 percent (\$120,400,000) shall be distributed to the city street fund.

The state department of transportation anticipates federal funds totaling \$220,202,000 for the period beginning October 1, 1991, and ending September 30, 1992. Of this amount approximately \$191,165,000 is for highway maintenance and construction, \$17,292,000 is for public transit, \$10,427,000 is for airport improvement, and \$1,318,000 is for local rail assistance.

Sec. 9. There is appropriated from the general fund of the state to the state department of transportation for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. For providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, and sidings as required in section 327H.18; for use by the railway finance authority as provided in chapter 307B:

.....	\$	2,110,553
b. For airport engineering studies and improvement projects as provided in chapter 328:		
.....	\$	3,200,000

2. For aeronautics and public transit, for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	386,760
.....	FTEs	8.00

Sec. 10. It is the intent of the general assembly that the moneys deposited in the general fund and the interest earned from the deposit of those moneys, that would have been deposited into the following funds but for the provisions of 1991 Iowa Acts, chapter 260, division XII, sections 1222, 1224, 1228, 1229, and 1249, shall only be used for the purposes for which the moneys were to be collected prior to the enactment of 1991 Iowa Acts, chapter 260, division XII, sections 1222, 1224, 1228, 1229, and 1249:

1. Railroad assistance fund established under section 327H.18.
2. Special railroad facility fund established under section 307B.23.
3. State aviation fund established under section 328.36.
4. Public transit assistance fund established under section 601J.6.

Sec. 11. There is appropriated from moneys, other than federal moneys, deposited in the victim compensation fund established under section 912.14 to the department of justice for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For use by the prosecuting attorneys training coordinator in implementing a course of instruction relating to public offenses perpetrated due to a victim's protected class status, as provided in section 80B.11, subsection 3, if and as amended by the Seventy-fourth General Assembly, 1992 Session:

.....	\$	10,000
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Sec. 12. The state department of transportation shall place a moratorium on the placement of tourist-oriented directional signs within the territorial limits of the Amana colonies and the Amana colonies land use district shall not initiate any action regarding the removal of any existing tourist-oriented directional sign until such time as a comprehensive signing program has been established within the area. The moratorium shall go into effect as of the effective date of this Act.

*\*Sec. 13. STATE OPPOSITION EXPRESSED. To the extent that Iowa motor vehicle license suspension and revocation law is contrary to or inconsistent with 23 U.S.C. § 104(a)(3)(A) both houses of the general assembly do hereby resolve and the governor does hereby certify their combined opposition to the enactment and enforcement in the state of Iowa of the law described in 23 U.S.C. § 104(a)(3)(A).\**

*\*Sec. 14. Section 2.45, Code 1991, is amended by adding the following new subsection:  
NEW SUBSECTION. 5. The transportation policy review committee which shall be composed of eight members consisting of the chairpersons or their designated committee members and the ranking minority party members or their designated committee members of the house and senate transportation standing committees and the house and senate joint transportation and safety appropriations subcommittees. The transportation policy review committee shall meet at least two times, but not more than four times per year, in conjunction with the state transportation commission, and shall exchange information and discuss state policy concerns affecting transportation related issues.\**

Sec. 15. Section 29A.27, unnumbered paragraph 1, Code 1991, is amended to read as follows: Officers and enlisted persons while in active state service shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for service in the armed forces of the United States. However, a person shall not be paid at a base rate of pay of less than fifty seventy-five dollars per calendar day of active state service.

Sec. 16. Section 29A.57, subsection 3, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Grant a temporary or permanent easement with or without monetary consideration for utility or public highway purposes if granting the easement will not adversely affect use of the real estate for military purposes.

Sec. 17. Section 70.1, subsection 1, Code 1991, is amended to read as follows:

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations ~~thereof~~ of the state, honorably discharged persons from the military or naval forces of the United States in any war in which the United States has been engaged, including the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, and the Vietnam Conflict beginning August 5, 1964, and ending on May 7, 1975, both dates inclusive, and the Persian Gulf Conflict beginning August 2, 1990, and ending on the date specified by the president or the congress of the United States as the date of permanent cessation of hostilities, both dates inclusive, who are citizens and residents of this state are entitled to preference in appointment and employment over other applicants of no greater qualifications. However, if the congress of the United States enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict to determine the eligibility of a veteran for military benefits as a veteran of the Persian Gulf Conflict, the date enacted by the congress of the United States shall be substituted for August 2, 1990. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For the purposes of this section service in World War II means service in the armed forces of the United States between December 7, 1941, and December 31, 1946, both dates inclusive.

Sec. 18. Section 80.9, subsection 2, Code Supplement 1991, is amended by adding the following new paragraph:

\*Item veto; see message at end of the Act

**NEW PARAGRAPH.** h. To maintain a vehicle theft unit in the Iowa highway safety patrol to investigate and assist in the examination and identification of stolen, altered, or forfeited vehicles.

*\*Sec. 19. Section 80B.5, Code 1991, is amended by adding the following new unnumbered paragraph:*

**NEW UNNUMBERED PARAGRAPH.** *The director shall be appointed by the Iowa law enforcement academy council.\**

Sec. 20. Section 80B.11, subsection 5, Code Supplement 1991, is amended to read as follows:

5. Minimum standards of mental fitness which shall govern the initial recruitment, selection and appointment of law enforcement officers. The rules shall include, but are not limited to, providing a battery of psychological tests to determine cognitive skills, personality characteristics and suitability of an applicant for a law enforcement career. However, this battery of tests need only be given to applicants being considered in the final selection process for a law enforcement position. Notwithstanding any provision of chapter 400, an applicant shall not be hired if the employer determines from the tests that the applicant does not possess sufficient cognitive skills, personality characteristics, or suitability for a law enforcement career. The director of the academy shall, beginning July 1, 1986, provide for the cognitive and psychological examinations and their administration at no cost to the law enforcement agencies or applicants, and shall identify and procure persons who can be hired to interpret the examinations.

Sec. 21. Section 80B.11B, subsection 1, Code 1991, is amended to read as follows:

1. ~~Notwithstanding section 80B.11, subsection 5, not more than one-half of the~~ The full cost of providing cognitive and psychological examinations of law enforcement officer candidates may be charged for taking the examinations by the Iowa law enforcement academy.

Sec. 22. **NEW SECTION.** 80B.16 AUDIOVISUAL FEES ESTABLISHED.

The academy may charge state departments, independent agencies, or other governmental offices a fee not to exceed the actual costs, including the cost of equipment, production, and duplication, for audiovisual services provided by the academy. Fees shall be deposited in a separate fund in the state treasury to be known as the audiovisual equipment fund. Funds generated from the audiovisual fees are appropriated and shall be used at the direction of the academy only to maintain and upgrade academy audiovisual equipment. Notwithstanding section 8.33, unencumbered or unobligated moneys in the separate fund at the end of a fiscal year shall not revert to the general fund of the state.

*\*Sec. 23. Section 309.10, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:*

*A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are at least seventy-five percent of the sum of the following for the fiscal year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995.\**

*\*Sec. 24. Section 312.2, subsection 8, unnumbered paragraph 1, Code Supplement 1991, is amended to read as follows:*

*The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs "a", "b", "d", and "e", are less than seventy-five percent of the sum of the following for the fiscal year ending June 30, 1993, eighty percent of the sum of the following for the fiscal year ending June 30, 1994, eighty-five percent of the sum of the*

\*Item veto; see message at end of the Act

following for the fiscal year ending June 30, 1995, and ninety percent of the sum of the following for each fiscal year beginning on or after July 1, 1995:\*

Sec. 25. Section 312.2, subsection 15, Code Supplement 1991, is amended to read as follows:

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 601J.6, from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "c", an amount equal to one-twentieth of the revenue ~~credited to the road use tax fund under section 423.24, subsection 1, paragraph "e" derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7.~~

Notwithstanding the provisions of this subsection directing that one-twentieth of the revenue ~~credited to the road use tax fund under section 423.24, subsection 1, paragraph "e" derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment as collected pursuant to section 423.7,~~ be deposited into the public transit assistance fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 601J.

Sec. 26. Section 312.2, subsection 22, Code Supplement 1991, is amended by striking the subsection.

Sec. 27. Section 312.3, subsection 1, Code Supplement 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. Apportion among the counties in the ratio that the needs of the secondary roads of each county bear to the total needs of the secondary roads of the state for each fiscal year based upon the total needs of secondary roads of the state as shown in the latest quadrennial need study report developed by the state department of transportation, and which is on record at the department, seventy percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties, and apportion among the counties in the ratio that the area of each county bears to the total area of the state, thirty percent of the allocation from road use tax funds which is credited to the secondary road fund of the counties.

Sec. 28. Section 312.5, subsection 5, Code Supplement 1991, is amended by striking the subsection.

Sec. 29. Section 313.4, subsection 4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards.

Sec. 30. Section 315.4, subsection 1, Code 1991, is amended to read as follows:

1. Twenty thirty-firsts for deposit in the primary road fund for the use of the department on primary road projects exclusively for highways which are identified under section 307A.2 as being part of the network of commercial and industrial highways.

Sec. 31. Section 321.89, subsection 1, paragraph a, Code 1991, is amended to read as follows:

a. "Police authority" means the Iowa highway safety patrol, ~~or any law enforcement agency of a county or city or any special security officer employed by the state board of regents under section 262.13.~~

Sec. 32. Section 321.152, subsection 1, Code Supplement 1991, is amended to read as follows:

\*Item veto; see message at end of the Act

1. Four and one-quarter percent of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued.

Sec. 33. Section 321.153, Code 1991, is amended to read as follows:  
321.153 TREASURER'S REPORT TO DEPARTMENT.

The county treasurer ~~shall~~ on the tenth day of each month shall certify under county seal to the department, on forms furnished by it, a full and complete statement of all fees and penalties received by the county treasurer during the preceding calendar month and shall remit all moneys not retained for deposit under section 321.152 to the treasurer of state.

Sec. 34. Section 321.211, unnumbered paragraph 2, Code 1991, is amended to read as follows:

There is appropriated each year from the road use tax fund to the department of transportation one hundred sixty two hundred twenty-five thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section 321.145, as reimbursement for the costs of notice under this section.

Sec. 35. Section 321.463, unnumbered paragraph 6, Code 1991, is amended to read as follows:

In addition, the weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials which are removed from a road under construction from a designated borrow site to a construction project or transporting raw materials from a construction project, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. However, if the vehicle exceeds the ten percent tolerance allowed for any one axle or tandem axle under this paragraph the fine to be assessed for the axle or tandem axle shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle under this paragraph. This paragraph applies only to vehicles operating along a route of travel approved by the department.

Sec. 36. Section 400.10, unnumbered paragraph 1, Code 1991, is amended to read as follows:

In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, honorably discharged veterans from the military or naval forces of the United States in any war in which the United States has been engaged, including the Korean Conflict at any time between June 25, 1950 and January 31, 1955, both dates inclusive, and the Vietnam Conflict beginning August 5, 1964, and ending May 7, 1975, both dates inclusive, and the Persian Gulf Conflict beginning August 2, 1990, and ending on the date specified by the president or the congress of the United States as the date of permanent cessation of hostilities, both dates inclusive, and who are citizens and residents of this state, shall have five points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the veterans administration. However, if the congress of the United States enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict to determine the eligibility of a veteran for military benefits as a veteran of the Persian Gulf Conflict, the date enacted by the congress of the United States shall be substituted for August 2, 1990. An honorably discharged veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability. However, the points shall be given only upon passing the exam and shall not be the determining factor in passing.

Sec. 37. NEW SECTION. 441.73 LITIGATION EXPENSE FUND.

1. A litigation expense fund is created in the state treasury. The litigation expense fund shall be used for the payment of litigation expenses incurred by the state to defend property valuations established by the director of revenue and finance pursuant to section 428.24 and chapters 430A, 433, 434, 436, 437, and 438.

2. If the director of revenue and finance determines that foreseeable litigation expenses will exceed the amount available from appropriations made to the department of revenue and finance, the director of revenue and finance may apply to the executive council for use of funds on deposit in the litigation defense fund. The initial application for approval shall include an estimate of potential litigation expenses, allocated to each of the next four succeeding calendar quarters and substantiated by a breakdown of all anticipated costs for legal counsel, expert witnesses, and other applicable litigation expenses.

3. The executive council may approve expenditures from the litigation expense fund on a quarterly basis. Prior to each quarter, the director of revenue and finance shall report to the executive council and give a full accounting of actual litigation expenses to date as well as estimated litigation expenses for the remaining calendar quarters of the fiscal year. The executive council may adjust quarterly expenditures from the litigation expense fund based on this information.

4. The executive council shall transfer for the fiscal year beginning July 1, 1992, and each fiscal year thereafter, from funds established in sections 405A.8, 425.1, and 426.1, an amount necessary to pay litigation expenses. However, the amount of funds transferred to the litigation expense fund for the fiscal year beginning July 1, 1992, shall not exceed three hundred fifty thousand dollars and the amount of the fund for the succeeding fiscal years shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the three separate funds. At any time when no litigation is pending or in progress the balance in the litigation defense fund shall not exceed one hundred thousand dollars. Any excess moneys shall be transferred in a proportionate amount back to the funds from which they were originally transferred.

Sec. 38. 1988 Iowa Acts, chapter 1278, section 17, subsection 2, unnumbered paragraph 3, is amended to read as follows:

The provisions of section 8.33 do not apply to the funds appropriated by this subsection. Unencumbered or unobligated funds remaining on June 30, 1992 1994, from funds appropriated for the fiscal year beginning July 1, 1988, shall revert to the fund from which appropriated on September 30, 1992 1994.

Sec. 39. 1990 Iowa Acts, chapter 1267, section 9, subsection 2, is amended to read as follows:  
2. To be used to implement section 306D.3:

..... \$ 500,000

Notwithstanding section 8.33, the funds appropriated in this subsection shall remain available for obligation until June 30, 1992 1993, and once obligated shall remain available until expended. Public or private entities willing to donate land for scenic highway projects shall be given preference in project selection if the land is accepted by the department.

Sec. 40. 1991 Iowa Acts, chapter 268, section 507, unnumbered paragraph 2, is amended to read as follows:

The provisions of section 8.33 do not apply to the funds appropriated by ~~subsection~~ subsections 8 and 9, but remain available for expenditure for the purposes designated until June 30, 1995. Unencumbered or unobligated funds remaining on June 30, 1995, from funds appropriated by ~~subsection~~ subsections 8 and 9, for the fiscal year beginning July 1, 1991, shall revert to the fund from which appropriated on August 30, 1995.

*\*Sec. 41. That section of 1992 Iowa Acts, Senate File 2354, which amends 1990 Iowa Acts, chapter 1234, section 76, as amended by 1991 Iowa Acts, chapter 213, section 35, is repealed.\**

Sec. 42. LITIGATION EXPENSE FUND RECOMMENDATIONS. The legislative fiscal committee shall request the attorney general's office to make recommendations as to the potential for recoupment of costs expended from the litigation expense fund under section 37 of this Act. The legislative fiscal bureau and the legislative service bureau shall work in cooperation with the attorney general's office. The recommendations shall be presented to the legislative council and the members of the transportation and safety appropriations subcommittee on or before January 15, 1993.

\*Item veto; see message at end of the Act

Sec. 43. Section 307.39, Code 1991, is repealed.

Sec. 44. Chapter 307D, Code 1991, is repealed.

Sec. 45. Sections 12, 38 and 40 of this Act, being deemed of immediate importance, take effect upon enactment.

Sec. 46. Sections 27 and 28 of this Act take effect on July 1, 1993.

*Approved June 3, 1992, except the items which I hereby disapprove and which are designated as Section 3, subsection 2, paragraph b in its entirety; Sections 13 and 14 in their entirety; Section 19 in its entirety; Sections 23 and 24 in their entirety; and Section 41 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the Secretary of State this same date, a copy of which is attached hereto.*

TERRY E. BRANSTAD, Governor

Dear Madam Secretary:

I hereby transmit Senate File 2345, an Act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, creating a litigation expense fund and making appropriations, providing for properly related matters, and providing an effective date.

Senate File 2345 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 3, subsection 2, paragraph b, in its entirety. This provision expresses the intent of the General Assembly to include any new classification of Riverboat Law Enforcement Officers as a "protection occupation" within the Iowa Public Employees Retirement System. If it is appropriate to include the classification of Riverboat Law Enforcement Officer as a protection occupation, the General Assembly should enact legislation to amend Section 97B.49, subsection 16, paragraph d, of the Code.

I am unable to approve the item designated as Section 13, in its entirety. This provision states that the General Assembly and Governor are opposed to the federal regulation requiring a hard suspension of a drivers license for drug related convictions. I support a hard suspension for drug related convictions and, in fact, have submitted proposed legislation to bring Iowa into conformity. Iowa needs to be a leader in the effort to control illegal drug use. This provision goes in the wrong direction.

I am unable to approve the item designated as Section 14, in its entirety. This section would require the creation of a new legislative committee to review state transportation policy issues with members of the State Transportation Commission. The legislative process offers adequate opportunity for members of both the standing and joint appropriation committees on transportation to discuss transportation policy issues. The creation of a new legislative committee for this purpose is duplicative and unnecessary.

I am unable to approve the item designated as Section 19, in its entirety. This section provides that the Iowa Law Enforcement Academy Council would appoint the Director of the Iowa Law Enforcement Academy. The appointment of the director should be consistent with the appointment of other agency directors. The appointment should be made by the Governor with confirmation by the Senate.

I am unable to approve the items designated as Sections 23 and 24, in their entirety. These provisions would require county governments to increase expenditures from county budgets for farm-to-market and secondary roads. Because county governments should not be required to increase property taxes for these purposes, these items cannot be approved.

I am unable to approve the item designated as Section 41, in its entirety. This provision would repeal the extension of the sunset on workers' compensation insurance rate regulation to July 1, 1994, as provided in Senate File 2354. By disapproving this provision, the regulations will sunset July 1, 1994.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2345 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD, Governor

**CHAPTER 1239**

**APPROPRIATIONS — AGRICULTURE AND NATURAL RESOURCES**

*S.F. 2347*

**AN ACT** relating to budgetary and administrative matters by providing for appropriations and revenue, and providing for statutory changes, including matters involving agriculture and natural resources, and providing effective dates.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

Section 1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 1992, and ending June 30, 1993, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

**1. ADMINISTRATIVE DIVISION**

a. For salaries, support, maintenance, the support of the state 4-H foundation, support of the statistics bureau, and miscellaneous purposes:

..... \$ 1,000,544

Of the funds appropriated in this paragraph "a", \$35,000 shall be allocated to the state 4-H foundation to foster the development of Iowa's youth and to encourage them to study the subject of agriculture.

Of the funds appropriated in this paragraph "a", \$140,000 and 5.00 FTEs shall be allocated to the statistics bureau to provide county-by-county information on land in farms, production by crop, acres by crop, and county prices by crop. This information shall be made available to the department of revenue and finance for use in the productivity formula for valuing and equalizing agricultural land.

b. For the operations of the dairy trade practices bureau:

..... \$ 69,612

Of the funds appropriated in this paragraph "b", not more than \$46,945 shall be used to support the operations of the dairy trade practices bureau for the fiscal year beginning July 1, 1992, and ending June 30, 1993. Notwithstanding section 8.39, moneys appropriated under this paragraph shall not be transferred by the department to support a purpose other than the operations of the bureau. Notwithstanding section 8.33, unobligated or unencumbered moneys remaining on June 30, 1993, shall not revert, but shall be available for expenditure for the bureau for the next fiscal year and any of these moneys remaining on June 30, 1994, shall revert to the general fund of the state.

c. For the operations of the agricultural marketing bureau:

..... \$ 776,805

Of the funds appropriated in this paragraph "c", \$325,000 and 8.00 FTEs shall be used to support horticulture.